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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,904	03/08/2001	Byung-hee Kim	SEC.467D	8021

7590 10/31/2002
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EXAMINER

ESTRADA, MICHELLE

ART UNIT PAPER NUMBER

2823

DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/800,904

Examiner

Michelle Estrada

Applicant(s)

KIM ET AL.

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's arguments are moot on view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (5,206,788).

Larson et al. disclose forming a lower electrode (20); forming a lower seed layer (30a) on the lower electrode; forming a ferroelectric layer (30b) on the lower seed layer; forming an upper seed layer (30c) on the ferroelectric layer; annealing the resulting structure (Col. 4, lines 61-68); and forming an upper electrode (40) on the upper seed layer; wherein forming a ferroelectric layer comprises forming a PZT ferroelectric layer (Col.4, line 35) on the lower seed layer; wherein the forming the upper and lower seed layers includes using a material having a crystallization temperature lower than that of a material for forming the ferroelectric layer; wherein the forming the upper and lower seed layers includes using a ferroelectric material having a lattice constant similar to that of a material for forming the ferroelectric layer; wherein the forming the upper and lower seed layers includes using PZT having at least one of a higher Pb content and a higher Ti composition ratio than a PZT to be used to form the ferroelectric (30b) layer;

wherein the forming the lower electrode and the upper electrode includes using a Pt-group metal layer (Col. 4, lines 15-16 and Col. 5, line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. as applied to claims 13-18 above, and further in view of Hsu et al. (6,048,738).

Larson et al. do not disclose further comprising, prior to forming the lower electrode, forming a switching element to be electrically connected to the lower electrode; and further comprising before forming the lower electrode providing a semiconductor substrate; and forming a gate insulating layer on the semiconductor substrate, and after the forming the upper electrode forming source and drain regions in a portion of the semiconductor substrate adjacent to a periphery of the gate insulating layer.

Hsu et al. disclose providing a semiconductor substrate; and forming a gate insulating layer (72) on the semiconductor substrate, forming a polysilicon layer (74); forming a lower electrode (76); forming a ferroelectric layer (78); forming an upper


electrode (80) and after the forming the upper electrode forming source and drain regions in a portion of the semiconductor substrate adjacent to a periphery of the gate insulating layer (Col. 5, lines 24-32); and forming a switching element to be electrically connected to the lower electrode (See fig. 9).


It would have been within the scope of one of ordinary skill in the art to combine the teachings of Larson et al. and Hsu et al. to enable formation of the ferroelectric structure and further provides the final elements to the structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 703-308-0729. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 (7724, 3431 and 3432) for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


MEstrada
October 8, 2002


Olik Chaudhuri
Supervisory Patent Examiner
Technology Sector 2800